

# Exhibit 2

Civil Procedure Law of the People's Republic of China (2017 Amendment) [Effective]

中华人民共和国民事诉讼法(2017修正) [现行有效]

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The Civil Procedure Law of the People's Republic of China	中华人民共和国民事诉讼法
(Adopted at the 4th Session of the Seventh National People's Congress on April 9, 1991; amended for the first time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China as adopted at the 30th Session of the Standing Committee of the Tenth National People's Congress on October 28, 2007; and amended for the second time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Eleventh National People's Congress on August 31, 2012; and amended for the third time in accordance with the Decision on Amending the Civil Procedure Law of the People's Republic of China and the Administrative Litigation Law of the People's Republic of China as adopted at the 28th Session of the Standing Committee of the Twelfth National People's Congress on June 27, 2017)	(1991年4月9日第七届全国人民代表大会第四次会议通过根据2007年10月28日第十届全国人民代表大会常务委员会第三十次会议《关于修改〈中华人民共和国民事诉讼法〉的决定》第一次修正根据2012年8月31日第十一届全国人民代表大会常务委员会第二十八次会议《关于修改〈中华人民共和国民事诉讼法〉的决定》第二次修正根据2017年6月27日第十二届全国人民代表大会常务委员会第二十八次会议《关于修改〈中华人民共和国民事诉讼法〉和〈中华人民共和国行政诉讼法〉的决定》第三次修正)
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## Part One General Provisions

## 第一编 总 则

## Chapter 1 Purposes, Scope of Application and Basic Principles

## 第一章 任务、适用范围和基本原则

**Article 1** The Civil Procedure Law of the People's Republic of China is formulated in accordance with the Constitution and in consideration of civil trial experience and actual circumstances of civil trials in China.

**第一条** 中华人民共和国民事诉讼法以宪法为根据，结合我国民事审判工作的经验和实际情况制定。

**Article 2** The purposes of the Civil Procedure Law of the People's Republic of China are to protect the parties' exercise of procedural rights; ensure that a people's court finds facts, distinguishes right from wrong, applies law correctly and try civil cases in a timely manner; confirm civil rights and obligations; punish violations of civil law; protect the lawful rights and interests of the parties; educate citizens on consciously abiding by law; maintain the social and economic order; and guarantee smooth socialist development.

**第二条** 中华人民共和国民事诉讼法的任务，是保护当事人行使诉讼权利，保证人民法院查明事实，分清是非，正确适用法律，及时审理民事案件，确认民事权利义务关系，制裁民事违法行为，保护当事人的合法权益，教育公民自觉遵守法律，维护社会秩序、经济秩序，保障社会主义建设事业顺利进行。

**Article 3** The provisions of this Law shall apply to civil actions accepted by a people's court regarding property or personal relationships between citizens, between legal persons, between other organizations or between citizens and legal persons, citizens and other organizations or legal persons and other organizations.

**第三条** 人民法院受理公民之间、法人之间、其他组织之间以及他们相互之间因财产关系和人身关系提起的民事诉讼，适用本法的规定。

**Article 4** For all civil actions conducted within the territory of the People's Republic of China, this Law must be complied with.

**第四条** 凡在中华人民共和国领域内进行民事诉讼，必须遵守本法。

**Article 5** Foreign nationals, stateless persons and foreign enterprises and organizations which institute or respond to actions in the people's courts shall have equal procedural rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

**第五条** 外国人、无国籍人、外国企业和组织在人民法院起诉、应诉，同中华人民共和国公民、法人和其他组织有同等的诉讼权利义务。

Where the courts of a foreign country impose any restrictions on the civil procedural rights of citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall apply the principle of reciprocity to the civil procedural rights of citizens, enterprises and organizations of such a foreign country.

外国法院对中华人民共和国公民、法人和其他组织的民事诉讼权利加以限制的，中华人民共和国人民法院对该国公民、企业和组织的民事诉讼权利，实行对等原则。

**Article 6** The power to try civil cases shall be exercised by the people's courts.

**第六条** 民事案件的审判权由人民法院行使。

The people's courts shall try civil cases independently in accordance with law, without interference from any government agency, social group or individual.

人民法院依照法律规定对民事案件独立进行审判，不受行政机关、社会团体和个人的干涉。

**Article 7** When trying civil cases, the people's courts must regard facts as the basis and regard law as the yardstick.

**第七条** 人民法院审理民事案件，必须以事实为根据，以法律为准绳。

**Article 8** All parties to a civil action shall have equal procedural rights. When trying civil cases, the people's courts shall provide safeguards and facilitation for all parties to exercise

**第八条** 民事诉讼当事人有平等的诉讼权利。人民法院审理民事案件，应当保障和便利当事人行使诉讼权利，

**Article 9** When trying civil cases, the people's courts shall conduct mediation under the principles of free will of the parties and legality; and if mediation fails, shall enter a judgment in a timely manner.

**Article 10** When trying civil cases, the people's courts shall apply the collegial bench, disqualification, open trial and "final after two trials" systems in accordance with law.

**Article 11** Citizens of all ethnicities shall be entitled to use their native spoken and written languages in civil procedures.

In areas where an ethnic minority is concentrated or several ethnicities cohabit, the people's courts shall conduct trial and publish legal instruments in the spoken and written language commonly used by the local ethnicity or ethnicities.

The people's courts shall provide interpretation for litigation participants who are not familiar with the spoken or written language commonly used by the local ethnicity or ethnicities.

**Article 12** When a people's court tries a civil case, the parties shall have the right to debate.

**Article 13** In civil procedures, the principle of good faith shall be adhered to.

The parties shall be entitled to dispose of their respective civil rights and procedural rights within the extent as permitted by law.

**Article 14** The people's procuratorates shall have the authority to exercise legal supervision over civil procedures.

**Article 15** For conduct which infringes upon the civil rights and interests of the state, a collective or an individual, a state organ, a social group, an enterprise or a public institution may support the entity or individual which suffers infringement in instituting an action in a people's court.

**Article 16** The people's congresses of ethnical autonomous areas may formulate provisions with necessary changes or supplementary provisions in accordance with the principles of the Constitution and this Law and in consideration of the specific circumstances of the local ethnicity or ethnicities. Such provisions formulated by an autonomous region shall be subject to the approval of the Standing Committee of the National People's Congress. Such provisions formulated by an autonomous prefecture or autonomous county shall be subject to the approval of the standing committee of the people's congress of the corresponding province or autonomous region and be filed with the Standing Committee of the National People's Congress.

Chapter 2 Jurisdiction

Section 1 Hierarchical Jurisdiction

**Article 17** The basic people's courts shall have jurisdiction over civil cases as a court of first instance, except as otherwise provided for in this Law.

**Article 18** The intermediate people's courts shall have jurisdiction over the following civil cases as a court of first instance:

(1) Major foreign-related cases.

**第九条** 人民法院审理民事案件，应当根据自愿和合法的原则进行调解；调解不成的，应当及时判决。

**第十条** 人民法院审理民事案件，依照法律规定实行合议、回避、公开审判和两审终审制度。

**第十一条** 各民族公民都有用本民族语言、文字进行民事诉讼的权利。

在少数民族聚居或者多民族共同居住的地区，人民法院应当用当地民族通用的语言、文字进行审理和发布法律文书。

人民法院应当对不通晓当地民族通用的语言、文字的诉讼参与人提供翻译。

**第十二条** 人民法院审理民事案件时，当事人有权进行辩论。

**第十三条** 民事诉讼应当遵循诚实信用原则。

当事人有权在法律规定的范围内处分自己的民事权利和诉讼权利。

**第十四条** 人民检察院有权对民事诉讼实行法律监督。

**第十五条** 机关、社会团体、企业事业单位对损害国家、集体或者个人民事权益的行为，可以支持受损害的单位或者个人向人民法院起诉。

**第十六条** 民族自治地方的人民代表大会根据宪法和本法的原则，结合当地民族的具体情况，可以制定变通或者补充的规定。自治区的规定，报全国人民代表大会常务委员会批准。自治州、自治县的规定，报省或者自治区的人民代表大会常务委员会批准，并报全国人民代表大会常务委员会备案。

第二章 管 辖

第一节 级别管辖

**第十七条** 基层人民法院管辖第一审民事案件，但本法另有规定的除外。

**第十八条** 中级人民法院管辖下列第一审民事案件：

(一) 重大涉外案件；

(2) Cases which have a major impact within their respective jurisdictions.

(二) 在本辖区有重大影响的案件。

(3) Cases which are under the jurisdiction of the intermediate people's courts as determined by the Supreme People's Court.

(三) 最高人民法院确定由中级人民法院管辖的案件。

**Article 19** The higher people's courts shall have jurisdiction over civil cases which have a major impact within their respective jurisdictions as a court of first instance.

**第十九条** 高级人民法院管辖在本辖区有重大影响的  
第一审民事案件。

**Article 20** The Supreme People's Court shall have jurisdiction over the following civil cases as a court of first instance:

**第二十条** 最高人民法院管辖下列第一审民事案件:

(1) Cases which have a major impact nationwide.

(一) 在全国有重大影响的案件;

(2) Cases which the Supreme People's Court deems shall be tried by itself.

(二) 认为应当由本院审理的案件。

## Section 2 Territorial Jurisdiction

## 第二节 地域管辖

**Article 21** A civil action instituted against a citizen shall be under the jurisdiction of the people's court at the place of domicile of the defendant; or if the defendant's place of domicile is different from his or her place of habitual residence, the civil action shall be under the jurisdiction of the people's court at the place of habitual residence of the defendant.

**第二十一条** 对公民提起的民事诉讼, 由被告住所地  
人民法院管辖; 被告住所地与经常居住地不一致的, 由经  
常居住地人民法院管辖。

A civil action instituted against a legal person or any other organization shall be under the jurisdiction of the people's court at the place of domicile of the defendant.

对法人或者其他组织提起的民事诉讼, 由被告住所地人民  
法院管辖。

Where the places of domicile or places of habitual residence of several defendants in the same action are located within the jurisdictions of two or more people's courts, both or all of such people's courts shall have jurisdiction over the action.

同一诉讼的几个被告住所地、经常居住地在两个以上人民  
法院辖区的, 各该人民法院都有管辖权。

**Article 22** The following civil actions shall be under the jurisdiction of the people's court at the place of domicile of the plaintiff; or if the plaintiff's place of domicile is different from his or her place of habitual residence, the civil actions shall be under the jurisdiction of the people's court at the place of habitual residence of the plaintiff:

**第二十二条** 下列民事诉讼, 由原告住所地人民法院  
管辖; 原告住所地与经常居住地不一致的, 由原告经常居  
住地人民法院管辖:

(1) An action regarding a personal relationship instituted against a person who does not reside within the territory of the People's Republic of China.

(一) 对不在中华人民共和国领域内居住的人提起的有关  
身份关系的诉讼;

(2) An action regarding a personal relationship instituted against a person whose whereabouts is unknown or against a person who has been declared missing.

(二) 对下落不明或者宣告失踪的人提起的有关身份关系  
的诉讼;

(3) An action instituted against a person who is subject to any compulsory correctional measure.

(三) 对被采取强制性教育措施的人提起的诉讼;

(4) An action instituted against a person who is incarcerated.

(四) 对被监禁的人提起的诉讼。

**Article 23** An action instituted for a contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the contract is performed.

**第二十三条** 因合同纠纷提起的诉讼, 由被告住所地  
或者合同履行地人民法院管辖。

**Article 24** An action instituted for an insurance contract dispute shall be under the jurisdiction of the people's court at the place of domicile of the defendant or at the place where the subject matter insured is located.

**第二十四条** 因保险合同纠纷提起的诉讼, 由被告住  
所地或者保险标的物所在地人民法院管辖。

**Article 25** An action instituted for a negotiable instrument dispute shall be under the jurisdiction of the people's court at the place of payment of the negotiable instrument or at the place of domicile of the defendant.

**第二十五条** 因票据纠纷提起的诉讼, 由票据支付地  
或者被告住所地人民法院管辖。

**Article 26** An action instituted for a dispute arising from formation, shareholder eligibility

**第二十六条** 因公司设立、确认股东资格、分配利

corporation, profit distribution, dissolution or any other matter of a company shall be under the jurisdiction of the people's court at the place of domicile of the company.

**Article 27** An action instituted for a dispute arising from a railway, road, water, air, or multi-mode transportation contract shall be under the jurisdiction of the people's court at the place of departure or destination of transportation or at the place of domicile of the defendant.

**Article 28** An action instituted for a tort shall be under the jurisdiction of the people's court at the place where the tort occurs or at the place of domicile of the defendant.

**Article 29** An action instituted for damages for a railway, road, water or air transportation accident shall be under the jurisdiction of the people's court at the place where the accident occurs, where the vehicle or vessel first arrives or where the aircraft first lands or at the place of domicile of the defendant.

**Article 30** An action instituted for damages for a vessel collision or any other maritime accident shall be under the jurisdiction of the people's court at the place where the collision occurs, where the colliding vessel first arrives or where the vessel at fault is detained or at the place of domicile of the defendant.

**Article 31** An action instituted for maritime salvage shall be under the jurisdiction of the people's court at the place of salvage or at the place where the salvaged vessel first arrives.

**Article 32** An action instituted for a general average shall be under the jurisdiction of the people's court at the place where the vessel first arrives, where the general average is adjusted or where the voyage ends.

**Article 33** The following cases shall be under the exclusive jurisdiction of the people's courts as specified below:

(1) An action instituted for a real estate dispute shall be under the jurisdiction of the people's court at the place where the real estate is located.

(2) An action instituted for a dispute arising from harbor operations shall be under the jurisdiction of the people's court at the place where the harbor is located.

(3) An action instituted for an inheritance dispute shall be under the jurisdiction of the people's court at the place of domicile of the deceased upon death or at the place where the major part of estate is located.

**Article 34** Parties to a dispute over a contract or any other right or interest in property may, by a written agreement, choose the people's court at the place of domicile of the defendant, at the place where the contract is performed or signed, at the place of domicile of the plaintiff, at the place where the subject matter is located or at any other place actually connected to the dispute to have jurisdiction over the dispute, but the provisions of this Law regarding hierarchical jurisdiction and exclusive jurisdiction shall not be violated.

**Article 35** When two or more people's courts have jurisdiction over an action, the plaintiff may institute an action in one of such people's courts; and if the plaintiff institutes actions in two or more people's courts that have jurisdiction, the people's court which docket the case first shall have jurisdiction over the action.

### Section 3 Jurisdiction Transfer and Specified Jurisdiction

**Article 36** Where a people's court discovers that a case accepted is not under its jurisdiction, it shall transfer the case to the people's court having jurisdiction, and the people's court to which the case is transferred shall accept the case. If the people's court to which the case is

转、解散等纠纷提起的诉讼，由公司住所地人民法院管辖。

**第二十七条** 因铁路、公路、水上、航空运输和联合运输合同纠纷提起的诉讼，由运输始发地、目的地或者被告住所地人民法院管辖。

**第二十八条** 因侵权行为提起的诉讼，由侵权行为地或者被告住所地人民法院管辖。

**第二十九条** 因铁路、公路、水上和航空事故请求损害赔偿提起的诉讼，由事故发生地或者车辆、船舶最先到达地、航空器最先降落地或者被告住所地人民法院管辖。

**第三十条** 因船舶碰撞或者其他海事损害事故请求损害赔偿提起的诉讼，由碰撞发生地、碰撞船舶最先到达地、加害船舶被扣留地或者被告住所地人民法院管辖。

**第三十一条** 因海难救助费用提起的诉讼，由救助地或者被救助船舶最先到达地人民法院管辖。

**第三十二条** 因共同海损提起的诉讼，由船舶最先到达地、共同海损理算地或者航程终止地的人民法院管辖。

**第三十三条** 下列案件，由本条规定的人民法院专属管辖：

(一) 因不动产纠纷提起的诉讼，由不动产所在地人民法院管辖；

(二) 因港口作业中发生纠纷提起的诉讼，由港口所在地人民法院管辖；

(三) 因继承遗产纠纷提起的诉讼，由被继承人死亡时住所地或者主要遗产所在地人民法院管辖。

**第三十四条** 合同或者其他财产权益纠纷的当事人可以书面协议选择被告住所地、合同履行地、合同签订地、原告住所地、标的物所在地等与争议有实际联系的地点的人民法院管辖，但不得违反本法对级别管辖和专属管辖的规定。

**第三十五条** 两个以上人民法院都有管辖权的诉讼，原告可以向其中一个人民法院起诉；原告向两个以上有管辖权的人民法院起诉的，由最先立案的人民法院管辖。

### 第三节 移送管辖和指定管辖

**第三十六条** 人民法院发现受理的案件不属于本院管辖的，应当移送有管辖权的人民法院，受移送的人民法院应当受理。受移送的人民法院认为受移送的案件依照规定



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transferred deems that the transferred case is not under its jurisdiction according to the relevant provisions, it shall report the case to its superior for specified jurisdiction and shall not transfer the case without direction.

**Article 37** Where a people's court having jurisdiction is unable to exercise its jurisdiction for any special reasons, its superior shall specify jurisdiction.

Where there is any dispute over jurisdiction between the people's courts, the dispute shall be resolved by the disputing courts through consultations; or if such consultations fail, the disputing courts shall request their common superior to specify jurisdiction.

**Article 38** A people's court at a higher level shall have the power to try a first instance civil case under the jurisdiction of a people's court at a lower level. If it is necessary to transfer a first instance civil case under its jurisdiction to a people's court at a lower level for trial, a people's court at a higher level shall file a report with its superior for approval of the transfer.

If a people's court at a lower level deems it necessary for a first instance civil case under its jurisdiction to be tried by a people's court at a higher level, it may request the people's court at a higher level to try the case.

### Chapter 3 Trial Organization

**Article 39** When a people's court tries a first instance civil case, a collegial bench consisting of judges and jurors or consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

Civil cases tried under summary procedure shall be tried by a sole judge.

When performing their juror's duties, jurors shall have equal rights and obligations as a judge.

**Article 40** When a people's court tries a second instance civil case, a collegial bench consisting of judges only shall be formed. The members of a collegial bench must be in an odd number.

For a case remanded for retrial, the original trial people's court shall form a new collegial bench under the procedure at first instance.

If a case for retrial was originally tried by a court of first instance, a new collegial bench shall be formed under the procedure at first instance; or if the case for retrial was originally tried by a court of second instance or tried directly by a people's court at a higher level, a new collegial bench shall be formed under the procedure at second instance.

**Article 41** The president of a people's court or a divisional chief of a people's court shall designate a judge as the presiding judge of a collegial bench; and if the president or divisional chief participates in the trial, the president or divisional chief shall be the presiding judge.

**Article 42** When deliberating a case, a collegial bench shall adhere to the rule of majority. Deliberation transcripts shall be prepared and be signed by the members of the collegial bench. The dissenting opinions during deliberations shall be truthfully included in the transcripts.

**Article 43** Judges shall handle cases impartially in accordance with law.

Judges shall not accept any treats or gifts from the parties or their litigation representatives.

Judges who commit embezzlement, accept bribes, practice favoritism for personal gains or

**第三十七条** 有管辖权的人民法院由于特殊原因，不能行使管辖权的，由上级人民法院指定管辖。

人民法院之间因管辖权发生争议，由争议双方协商解决；协商解决不了的，报请它们的共同上级人民法院指定管辖。

**第三十八条** 上级人民法院有权审理下级人民法院管辖的第一审民事案件；确有必要将本院管辖的第一审民事案件交下级人民法院审理的，应当报请其上级人民法院批准。

下级人民法院对它所管辖的第一审民事案件，认为需要由上级人民法院审理的，可以报请上级人民法院审理。

### 第三章 审判组织

**第三十九条** 人民法院审理第一审民事案件，由审判员、陪审员共同组成合议庭或者由审判员组成合议庭。合议庭的成员人数，必须是单数。

适用简易程序审理的民事案件，由审判员一人独任审理。

陪审员在执行陪审职务时，与审判员有同等的权利义务。

**第四十条** 人民法院审理第二审民事案件，由审判员组成合议庭。合议庭的成员人数，必须是单数。

发回重审的案件，原审人民法院应当按照第一审程序另行组成合议庭。

审理再审案件，原来是第一审的，按照第一审程序另行组成合议庭；原来是第二审的或者是上级人民法院提审的，按照第二审程序另行组成合议庭。

**第四十一条** 合议庭的审判长由院长或者庭长指定审判员一人担任；院长或者庭长参加审判的，由院长或者庭长担任。

**第四十二条** 合议庭评议案件，实行少数服从多数的原则。评议应当制作笔录，由合议庭成员签名。评议中的不同意见，必须如实记入笔录。

**第四十三条** 审判人员应当依法秉公办案。

审判人员不得接受当事人及其诉讼代理人请客送礼。

审判人员有贪污受贿，徇私舞弊，枉法裁判行为的，应当



adjudicators by bending the law shall be subject to legal liability, and those suspected of any crime shall be subject to criminal liability in accordance with law.

#### Chapter 4 Disqualification

**Article 44** Under any of the following circumstances, a judge shall voluntarily disqualify himself or herself, and a party shall be entitled to request disqualification of such a judge verbally or in writing:

(1) The judge is a party to a case or is a close relative of a party to a case or a litigation representative thereof.

(2) The judge is an interested party to a case.

(3) The judge has any other relationship with a party to a case or a litigation representative thereof, which may affect the impartial trial of the case.

Where a judge accepts any treat or gift from a party to a case or a litigation representative thereof or meets with a party to a case in violation of legal provisions, a party shall be entitled to require disqualification of such a judge.

A judge who commits any conduct in the preceding paragraph shall be subject to legal liability in accordance with law.

The provisions of the preceding three paragraphs shall also apply to court clerks, interpreters, identification or evaluation experts, and surveyors.

**Article 45** To request disqualification, a party shall state reasons and file a request at the beginning of the trial of a case; and a request may also be filed before the end of court debate if a party becomes aware of a reason for disqualification after the trial of a case begins.

Before the people's court decides whether to grant the request for disqualification, the person whose disqualification is requested shall be suspended from participating in the case, unless the case requires that emergency measures be taken.

**Article 46** The disqualification of the presiding judge who is the president of a people's court shall be decided by the judicial committee of the people's court; the disqualification of judges shall be decided by the president of a people's court; and the disqualification of other persons shall be decided by the presiding judge.

**Article 47** A people's court shall make a decision verbally or in writing on a party's request for disqualification within three days after the request is filed. Against the decision, a party may apply for reconsideration once when receiving the decision. During the period of reconsideration, the person whose disqualification is requested shall not be suspended from participating in the case. A people's court shall make a decision on an application for reconsideration within three days and notify the reconsideration applicant of the decision.

#### Chapter 5 Primary Litigation Participants

##### Section 1 Parties

**Article 48** Citizens, legal persons and other organizations may act as the parties to civil actions.

The legal representative of a legal person shall participate in an action on behalf of the legal

#### 第四章 回避

**第四十四条** 审判人员有下列情形之一的，应当自行回避，当事人有权用口头或者书面方式申请他们回避：

(一) 是本案当事人或者当事人、诉讼代理人近亲属的；

(二) 与本案有利害关系的；

(三) 与本案当事人、诉讼代理人有其他关系，可能影响对案件公正审理的。

审判人员接受当事人、诉讼代理人请客送礼，或者违反规定会见当事人、诉讼代理人的，当事人有权要求他们回避。

审判人员有前款规定的行为的，应当依法追究法律责任。

前三款规定，适用于书记员、翻译人员、鉴定人、勘验人。

**第四十五条** 当事人提出回避申请，应当说明理由，在案件开始审理时提出；回避事由在案件开始审理后知道的，也可以在法庭辩论终结前提出。

被申请回避的人员在人民法院作出是否回避的决定前，应当暂停参与本案的工作，但案件需要采取紧急措施的除外。

**第四十六条** 院长担任审判长时的回避，由审判委员会决定；审判人员的回避，由院长决定；其他人员的回避，由审判长决定。

**第四十七条** 人民法院对当事人提出的回避申请，应当在申请提出的三日内，以口头或者书面形式作出决定。申请人对决定不服的，可以在接到决定时申请复议一次。复议期间，被申请回避的人员，不停止参与本案的工作。人民法院对复议申请，应当在三日内作出复议决定，并通知复议申请人。

#### 第五章 诉讼参加人

##### 第一节 当事人

**第四十八条** 公民、法人和其他组织可以作为民事诉讼的当事人。

法人由其法定代表人进行诉讼。其他组织由其主要负责人

person. The primary person in charge of any other organization shall participate in an action on behalf of the organization. 进行诉讼

**Article 49** The parties shall be entitled to retain representatives, file a request for disqualification, collect and provide evidence, debate, file a request for mediation, file an appeal, and apply for enforcement.

The parties may consult materials related to the case and copy materials and legal instruments related to the case. The scope of and measures for consulting and copying materials related to a case shall be prescribed by the Supreme People's Court.

The parties must exercise their procedural rights in accordance with law, observe the order of litigation, and execute effective written judgments, rulings and consent judgments.

**Article 50** Both sides of a civil action may reach a settlement themselves.

**Article 51** The plaintiff may relinquish or modify its claims. The defendant may admit or repudiate the plaintiff's claims and shall have the right to file a counterclaim.

**Article 52** A joint action means that one side or both sides of a civil action consist of two or more persons, the subject matter of action for each party is same or is of the same kind and the people's court deems that the disputes of all the parties may be tried concurrently, to which all the parties agree.

Where the parties on one side of a joint action have common rights and obligations regarding the subject matter of action, the litigation conduct of any of such parties shall bind the rest of such parties if the conduct is recognized by the rest of such parties; or where the parties on one side of a joint action have no common rights and obligations regarding the subject matter of action, the litigation conduct of any of such parties shall not bind the rest of such parties.

**Article 53** Where the parties on one side of a joint action is numerous, such parties may recommend a representative or representatives to participate in the action. The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

**Article 54** Where the subject matter of action for each party is of the same kind, the parties on one side of an action are numerous, but the exact number of such parties is uncertain when the action is instituted, the people's court may publish a notice to describe the case and claims and notify right holders to register with the people's court within a certain period of time.

The right holders which have registered with the people's court may recommend a representative or representatives to participate in the litigation; and if no representative is recommended, the people's court may determine a representative or representatives in consultation with the right holders which have registered with the people's court.

The litigation conduct of such representatives shall bind all the parties represented; however, to modify or relinquish any claims, admit any claims of the opposing party or reach a settlement, such representatives must obtain a consent from the parties represented.

The judgment or ruling issued by the people's court shall bind all right holders which have registered with the people's court. Such a judgment or ruling shall also apply to actions instituted during the time limitation by rights holders which have not registered with the people's court.

**Article 55** For conduct that pollutes environment, infringes upon the lawful rights and

**第四十九条** 当事人有权委托代理人, 提出回避申请, 收集、提供证据, 进行辩论, 请求调解, 提起上诉, 申请执行。

当事人可以查阅本案有关材料, 并可以复制本案有关材料和法律文书。查阅、复制本案有关材料的范围和办法由最高人民法院规定。

当事人必须依法行使诉讼权利, 遵守诉讼秩序, 履行发生法律效力判决书、裁定书和调解书。

**第五十条** 双方当事人可以自行和解。

**第五十一条** 原告可以放弃或者变更诉讼请求。被告可以承认或者反驳诉讼请求, 有权提起反诉。

**第五十二条** 当事人一方或者双方为二人以上, 其诉讼标的是共同的, 或者诉讼标的是同一种类、人民法院认为可以合并审理并经当事人同意的, 为共同诉讼。

共同诉讼的一方当事人对诉讼标的有共同权利义务的, 其中一人的诉讼行为经其他共同诉讼人承认, 对其他共同诉讼人发生法律效力; 对诉讼标的没有共同权利义务的, 其中一人的诉讼行为对其他共同诉讼人不发生法律效力。

**第五十三条** 当事人一方人数众多的共同诉讼, 可以由当事人推选代表人进行诉讼。代表人的诉讼行为对其所代表的当事人发生法律效力, 但代表人变更、放弃诉讼请求或者承认对方当事人的诉讼请求, 进行和解, 必须经被代表的当事人同意。

**第五十四条** 诉讼标的是同一种类、当事人一方人数众多在起诉时人数尚未确定的, 人民法院可以发出公告, 说明案件情况和诉讼请求, 通知权利人在一定期间向人民法院登记。

向人民法院登记的权利人可以推选代表人进行诉讼; 推选不出代表人的, 人民法院可以与参加登记的权利人商定代表人。

代表人的诉讼行为对其所代表的当事人发生法律效力, 但代表人变更、放弃诉讼请求或者承认对方当事人的诉讼请求, 进行和解, 必须经被代表的当事人同意。

人民法院作出的判决、裁定, 对参加登记的全体权利人发生法律效力。未参加登记的权利人在诉讼时效期间提起诉讼的, 适用该判决、裁定。

**第五十五条** 对污染环境、侵害众多消费者合法权益

interests of vast consumers or otherwise damaged the public interest, an authority or relevant organization as prescribed by law may institute an action in a people's court.

Where the people's procuratorate finds in the performance of functions any conduct that undermines the protection of the ecological environment and resources, infringes upon consumers' lawful rights and interests in the field of food and drug safety or any other conduct that damages social interest, it may file a lawsuit with the people's court if there is no authority or organization prescribed in the preceding paragraph or the authority or organization prescribed in the preceding paragraph does not file a lawsuit. If the authority or organization prescribed in the preceding paragraph files a lawsuit, the people's procuratorate may support the filing of a lawsuit.

**Article 56** A third party which deems that it has an independent claim regarding the subject matter of an action between two parties shall have the right to institute an action.

Where a third party does not have an independent claim regarding the subject matter of an action between two parties but is an interested party in law to the outcome of the case, the third party may apply to participate in the action or the people's court may notify the third party to participate in the action. If the third party assumes any civil liability according to the judgment entered by the people's court, the third party shall have the procedural rights and obligations as a party to the action.

Where a third party as mentioned in the preceding two paragraphs fails to participate in an action, which is not attributable to the third party's fault, and there is evidence that an effective judgment, ruling or consent judgment is entirely or partially erroneous and causes damage to the third party's civil rights and interests, the third party may, within six months from the day when the third party knows or should have known that the third party's civil rights and interests have been damaged, institute an action in the people's court which entered the judgment, ruling or consent judgment. If, after trial, the third party's claims are supported, the people's court shall modify or revoke the original judgment, ruling or consent judgment; or if the third party's claims are not supported, the claims shall be dismissed.

## Section 2 Litigation Representatives

**Article 57** The guardian of a person without competency to participate in an action shall participate in the action on behalf of the person as the person's legal representative. If the legal representatives of a person shift their duty of representation onto each other, the people's court shall specify one of them to participate in the action on behalf of the person.

**Article 58** A party or a legal representative may retain one or two persons as litigation representatives.

The following persons may serve as a litigation representative:

- (1) A lawyer or legal service worker at the basic level.
- (2) A close relative or staff member of a party.
- (3) A citizen recommended by the community of or the entity employing a party or recommended by a relevant social group.

**Article 59** To participate in an action on behalf of a party or a legal representative, a litigation representative must submit to the people's court a power of attorney, to which the signature or seal of the party or legal representative is affixed.

The power of attorney must state the authorized matters and the extent of authority. To admit, relinquish or modify any claims, reach a settlement, or file a counterclaim or an appeal

等损害社会公共利益的行为，法律规定的机关和有关组织可以向人民法院提起诉讼。

人民检察院在履行职责中发现破坏生态环境和资源保护、食品药品安全领域侵害众多消费者合法权益等损害社会公共利益的行为，在没有前款规定的机关和组织或者前款规定的机关和组织不提起诉讼的情况下，可以向人民法院提起诉讼。前款规定的机关或者组织提起诉讼的，人民检察院可以支持起诉。

**第五十六条** 对当事人双方的诉讼标的，第三人认为有独立请求权的，有权提起诉讼。

对当事人双方的诉讼标的，第三人虽然没有独立请求权，但案件处理结果同他有法律上的利害关系的，可以申请参加诉讼，或者由人民法院通知他参加诉讼。人民法院判决承担民事责任的第三人，有当事人的诉讼权利义务。

前两款规定的第三人，因不能归责于本人的事由未参加诉讼，但有证据证明发生法律效力的判决、裁定、调解书的部分或者全部内容错误，损害其民事权益的，可以自知道或者应当知道其民事权益受到损害之日起六个月内，向作出该判决、裁定、调解书的人民法院提起诉讼。人民法院经审理，诉讼请求成立的，应当改变或者撤销原判决、裁定、调解书；诉讼请求不成立的，驳回诉讼请求。

## 第二节 诉讼代理人

**第五十七条** 无诉讼行为能力人由他的监护人作为法定代理人代为诉讼。法定代理人之间互相推诿代理责任的，由人民法院指定其中一人代为诉讼。

**第五十八条** 当事人、法定代理人可以委托一至二人作为诉讼代理人。

下列人员可以被委托为诉讼代理人：

- (一) 律师、基层法律服务工作者；
- (二) 当事人的近亲属或者工作人员；
- (三) 当事人所在社区、单位以及有关社会团体推荐的公民。

**第五十九条** 委托他人代为诉讼，必须向人民法院提交由委托人签名或者盖章的授权委托书。

授权委托书必须记明委托事项和权限。诉讼代理人代为承认、放弃、变更诉讼请求，进行和解，提起反诉或者上

Where a citizen of the People's Republic of China who is residing in a foreign country posts a power of attorney or delivers through another person a power of attorney to China, the power of attorney must be authenticated by the embassy or consulate of the People's Republic of China in that country. If there is no such an embassy or consulate in that country, the power of attorney shall be first authenticated by an embassy or consulate of a third country which has a diplomatic relationship with the People's Republic of China in that country and then be authenticated by the embassy or consulate of the People's Republic of China in the third country or be authenticated by the local patriotic overseas Chinese organization.

**Article 60** Where the authority of a litigation representative of a party has changed or has been revoked, the party shall notify the people's court in writing and the people's court shall notify the opposing party of the change or revocation.

**Article 61** Lawyers serving as litigation representatives and other litigation representatives shall have the right to investigate and collect evidence and may consult materials related to the case. The scope of and measures for consulting materials related to a case shall be prescribed by the Supreme People's Court.

**Article 62** Where a party to a divorce case has appointed a litigation representative, the party shall still appear in court unless the party is unable to express his or her ideas; and if the party is unable to appear in court under special circumstances, the party must submit a written opinion to the people's court.

Chapter 6 Evidence

**Article 63** Evidence includes:

- (1) statement of a party;
- (2) documentary evidence;
- (3) physical evidence;
- (4) audio-visual recordings;
- (5) electronic data;
- (6) witness testimony;
- (7) expert opinion; and
- (8) transcripts of survey.

Evidence must be verified before being used as a basis for deciding a fact.

**Article 64** A party shall have the burden to provide evidence for its claims.

A people's court shall investigate and collect evidence which a party and its litigation representative are unable to collect for some objective reasons and evidence which the people's court deems necessary for trying a case.

A people's court shall, under statutory procedures, verify evidence comprehensively and objectively.

**Article 65** A party shall provide evidence for its claims in a timely manner.

侨居在外的中华人民共和国公民从国外寄交或者托交的授权委托书，必须经中华人民共和国驻该国的使领馆证明；没有使领馆的，由与中华人民共和国有外交关系的第三国驻该国的使领馆证明，再转由中华人民共和国驻该第三国使领馆证明，或者由当地的爱国华侨团体证明。

**第六十条** 诉讼代理人的权限如果变更或者解除，当事人应当书面告知人民法院，并由人民法院通知对方当事人。

**第六十一条** 代理诉讼的律师和其他诉讼代理人有权调查收集证据，可以查阅本案有关材料。查阅本案有关材料的范围和办法由最高人民法院规定。

**第六十二条** 离婚案件有诉讼代理人的，本人除不能表达意思的以外，仍应出庭；确因特殊情况无法出庭的，必须向人民法院提交书面意见。

第六章 证 据

**第六十三条** 证据包括：

- (一) 当事人的陈述；
- (二) 书证；
- (三) 物证；
- (四) 视听资料；
- (五) 电子数据；
- (六) 证人证言；
- (七) 鉴定意见；
- (八) 勘验笔录。

证据必须查证属实，才能作为认定事实的根据。

**第六十四条** 当事人对自己提出的主张，有责任提供证据。

当事人及其诉讼代理人因客观原因不能自行收集的证据，或者人民法院认为审理案件需要的证据，人民法院应当调查收集。

人民法院应当按照法定程序，全面地、客观地审查核实证据。

**第六十五条** 当事人对自己提出的主张应当及时提供

A people's court shall, according to the claims of a party and the circumstances of trial of a case, determine the evidence to be provided by a party and the time limit for provision of evidence. Where it is difficult for a party to provide evidence within the time limit, the party may apply to the people's court for an extension, and the people's court may appropriately extend the time limit upon application of the party. Where a party provides any evidence beyond the time limit, the people's court shall order the party to provide an explanation; and if the party refuses to explain or the party's explanation is not acceptable, the people's court may, according to different circumstances, deem the evidence inadmissible or adopt the evidence but impose an admonition or a fine on the party.

**Article 66** A people's court shall issue receipts for evidentiary materials submitted to the court by a party, indicating the name of evidence, number of pages, number of copies, original or photocopy, time of receipt, and other matters, to which the signatures or seals of the court personnel receiving the same shall be affixed.

**Article 67** A people's court shall have the authority to investigate and collect evidence from the relevant entities and individuals, and the relevant entities and individuals shall not refuse such investigation and collection of evidence.

A people's court shall identify the authenticity and examine and determine the validity of documentary evidence provided by the relevant entities and individuals.

**Article 68** Evidence shall be presented in court and cross-examined by the parties. Evidence which involves any state secret, trade secret or individual privacy shall be kept confidential, and if it is necessary to present such evidence in court, such evidence shall not be presented in open court.

**Article 69** A people's court shall regard legal facts and documents notarized under statutory procedures as a basis for deciding facts, unless there is any evidence to the contrary which suffices to overturn the notarization.

**Article 70** The originals as documentary evidence shall be submitted. The originals as physical evidence shall be submitted. If it is difficult to submit the originals, replicas, photographs, copies or extracts may be submitted.

Documentary evidence in a foreign language must be submitted with Chinese versions.

**Article 71** The people's court shall identify the authenticity of audio-visual recordings and, in consideration of other evidence in the case, examine and determine whether the audio-visual recordings may serve as a basis for deciding facts.

**Article 72** Any entity or individual which knows any circumstances of a case shall have the obligation to testify in court. The person in charge of a relevant entity shall support a witness in testifying.

A person who is unable to appropriately express his or her ideas shall not testify.

**Article 73** Upon notice by a people's court, a witness shall testify in court. Under any of the following circumstances, a witness may testify by written testimony, audio-visual transmission technology, audio-visual recordings or any other means as permitted by a people's court:

- (1) The witness is unable to appear in court for health reasons.
- (2) The witness is unable to appear in court for remote residence and travel difficulty.

人民法院根据当事人的主张和案件审理情况, 确定当事人应当提供的证据及其期限。当事人在该期限内提供证据确有困难的, 可以向人民法院申请延长期限, 人民法院根据当事人的申请适当延长。当事人逾期提供证据的, 人民法院应当责令其说明理由; 拒不说明理由或者理由不成立的, 人民法院根据不同情形可以不予采纳该证据, 或者采纳该证据但予以训诫、罚款。

**第六十六条** 人民法院收到当事人提交的证据材料, 应当出具收据, 写明证据名称、页数、份数、原件或者复印件以及收到时间等, 并由经办人员签名或者盖章。

**第六十七条** 人民法院有权向有关单位和个人调查取证, 有关单位和个人不得拒绝。

人民法院对有关单位和个人提出的证明文书, 应当辨别真伪, 审查确定其效力。

**第六十八条** 证据应当在法庭上出示, 并由当事人互相质证。对涉及国家秘密、商业秘密和个人隐私的证据应当保密, 需要在法庭出示的, 不得在公开开庭时出示。

**第六十九条** 经过法定程序公证证明的法律事实和文书, 人民法院应当作为认定事实的根据, 但有相反证据足以推翻公证证明的除外。

**第七十条** 书证应当提交原件。物证应当提交原物。提交原件或者原物确有困难的, 可以提交复制品、照片、副本、节录本。

提交外文书证, 必须附有中文译本。

**第七十一条** 人民法院对视听资料, 应当辨别真伪, 并结合本案的其他证据, 审查确定能否作为认定事实的根据。

**第七十二条** 凡是知道案件情况的单位和个人, 都有义务出庭作证。有关单位的负责人应当支持证人作证。

不能正确表达意思的人, 不能作证。

**第七十三条** 经人民法院通知, 证人应当出庭作证。有下列情形之一的, 经人民法院许可, 可以通过书面证言、视听传输技术或者视听资料等方式作证:

- (一) 因健康原因不能出庭的;
- (二) 因路途遥远, 交通不便不能出庭的;



(3) The witness is unable to appear in court for a force majeure such as a natural disaster.

(三) 因自然灾害等不可抗力不能出庭;

(4) The witness is unable to appear in court for any other justifiable reason.

(四) 其他有正当理由不能出庭的。

**Article 74** The travel, room and board, and other necessary expenses of a witness for performing his or her obligation of testifying in court, as well as loss of working time, shall be assumed by the losing party. A party which applies for a witness to testify shall advance the same; or if no party applies and the people's court notifies a witness to testify, the people's court shall advance the same.

**第七十四条** 证人因履行出庭作证义务而支出的交通、住宿、就餐等必要费用以及误工损失，由败诉一方当事人负担。当事人申请证人作证的，由该当事人先行垫付；当事人没有申请，人民法院通知证人作证的，由人民法院先行垫付。

**Article 75** A people's court shall, in consideration of other evidence in the case, examine and determine whether the statements of a party may serve as a basis for deciding facts.

**第七十五条** 人民法院对当事人的陈述，应当结合本案的其他证据，审查确定能否作为认定事实的根据。

The deciding of facts of a case by a people's court based on evidence shall not be affected by a party's refusal to provide a statement.

当事人拒绝陈述的，不影响人民法院根据证据认定案件事实。

**Article 76** A party may apply to the people's court for identification regarding a specialized issue for ascertaining the facts of a case. Where a party applies for identification, the parties on both sides shall determine a qualified identification expert by consultation; or if such consultation fails, the people's court shall specify one for them.

**第七十六条** 当事人可以就查明事实的专门性问题向人民法院申请鉴定。当事人申请鉴定的，由双方当事人协商确定具备资格的鉴定人；协商不成的，由人民法院指定。

Where no party applies for identification but the people's court deems it necessary to conduct identification regarding a specialized issue, the people's court shall employ a qualified identification expert to conduct identification.

当事人未申请鉴定，人民法院对专门性问题认为需要鉴定的，应当委托具备资格的鉴定人进行鉴定。

**Article 77** An identification expert shall have the right to access the case file needed for conducting identification and, when necessary, may interview a party or a witness.

**第七十七条** 鉴定人有权了解进行鉴定所需要的案件材料，必要时可以询问当事人、证人。

An identification expert shall issue a written identification opinion and affix his or her signature or seal to the identification document.

鉴定人应当提出书面鉴定意见，在鉴定书上签名或者盖章。

**Article 78** Where a party raises any objection to an identification opinion or a people's court deems it necessary to require an identification expert to testify in court, the identification expert shall testify in court. If, upon notice by the people's court, the identification expert refuses to testify in court, the identification opinion shall not be used as a basis for deciding facts; and the party which has paid the identification fees may require that the identification fees be refunded.

**第七十八条** 当事人对鉴定意见有异议或者人民法院认为鉴定人有必要出庭的，鉴定人应当出庭作证。经人民法院通知，鉴定人拒不出庭作证的，鉴定意见不得作为认定事实的根据；支付鉴定费用的当事人可以要求返还鉴定费用。

**Article 79** A party may apply to the people's court for notifying a person with expertise to appear in court to offer an opinion regarding an identification opinion issued by an identification expert or regarding a specialized issue.

**第七十九条** 当事人可以申请人民法院通知有专门知识的人出庭，就鉴定人作出的鉴定意见或者专业问题提出意见。

**Article 80** When surveying any physical evidence or a site, the surveyors must produce their credentials issued by a people's court and invite the local grassroots organization or the entity employing a party to send personnel to participate in the survey. The party or an adult family member of the party shall be present; and the survey shall not be affected by the refusal of the party or the adult family member to appear on site.

**第八十条** 勘验物证或者现场，勘验人必须出示人民法院的证件，并邀请当地基层组织或者当事人所在单位派人参加。当事人或者当事人的成年家属应当到场，拒不到场的，不影响勘验的进行。

Upon notice by the people's court, the relevant entities and individuals shall have the obligations to protect the site and assist in the survey.

有关单位和个人根据人民法院的通知，有义务保护现场，协助勘验工作。

The surveyors shall prepare transcripts of the process and results of survey, to which the surveyors, the party and the invited participants shall affix their signatures or seals.

勘验人应当将勘验情况和结果制作笔录，由勘验人、当事人和被邀参加人签名或者盖章。

**Article 81** Where any evidence may be extinguished or may be hard to obtain at a later time, a party may, in the course of an action, apply to the people's court for evidence preservation, and the people's court may also take preservation measures on its own initiative.

**第八十一条** 在证据可能灭失或者以后难以取得的情况下，当事人可以在诉讼过程中向人民法院申请保全证据，人民法院也可以主动采取保全措施。

Where any evidence may be extinguished or may be hard to obtain at a later time, if the circumstances are urgent, an interested party may, before instituting an action or applying for arbitration, apply for evidence preservation to a people's court at the place where the evidence is located or at the place of domicile of the respondent or a people's court having jurisdiction over the case.

Other procedures for evidence preservation shall be executed by reference to the relevant provisions of Chapter IX of this Law regarding preservation.

## Chapter 7 Periods and Service of Process

### Section 1 Periods

**Article 82** Periods include statutory periods and periods prescribed by a people's court.

Periods shall be calculated by hour, day, month and year. The beginning hour and day of a period shall not be counted in the period.

If the expiration date of a period falls on a holiday, the first day after the holiday shall be the expiration date of the period.

A statutory period shall not include the time en route. A litigation document posted before the expiration date of a period shall not be regarded as past due.

**Article 83** Where a party fails to comply with a period for reasons beyond the party's control or for any other justifiable reasons, the party may apply for an extension of the period within ten days after the impediment is eliminated, and the people's court shall decide whether to permit such an extension.

### Section 2 Service of Process

**Article 84** Service of process must be accompanied with a service acknowledgement, to which the person to be served shall affix a date of receipt and his or her signature or seal.

The date of receipt affixed to the service acknowledgement by the person to be served shall be the date of service.

**Article 85** Process shall be served directly on the person to be served. If the person to be served, who is a citizen, is absent, a cohabiting adult family member of the person to be served shall sign for the service of process. If the person to be served is a legal person or any other organization, the legal representative of the legal person, the primary person in charge of the organization or the employee of the legal person or organization responsible for receiving process shall sign for the service of process. If the person to be served has a litigation representative, the litigation representative may sign for the service of process. If the person to be served has informed the people's court of a designated person to receive process, the designated person shall sign for the service of process.

The date of receipt affixed to the service acknowledgment by the cohabiting adult family member of the person to be served, the employee of the legal person or organization responsible for receiving process, the litigation representative or the designated person to receive process shall be the date of service.

**Article 86** Where the person to be served refuses to receive or his or her cohabiting adult family member refuses to receive process, the process server may invite the representatives

因情况紧急，在证据可能灭失或者以后难以取得的情况下，利害关系人可以在提起诉讼或者申请仲裁前向证据所在地、被申请人住所地或者对案件有管辖权的人民法院申请保全证据。

证据保全的其他程序，参照适用本法第九章保全的有关规定。

## 第七章 期间、送达

### 第一节 期间

**第八十二条** 期间包括法定期间和人民法院指定的期间。

期间以时、日、月、年计算。期间开始的时和日，不计入在期间内。

期间届满的最后一日是节假日的，以节假日后的第一日为期间届满的日期。

期间不包括在途时间，诉讼文书在期满前交邮的，不算过期。

**第八十三条** 当事人因不可抗拒的事由或者其他正当理由耽误期限的，在障碍消除后的十日内，可以申请顺延期限，是否准许，由人民法院决定。

### 第二节 送达

**第八十四条** 送达诉讼文书必须有送达回证，由受送达人在送达回证上记明收到日期，签名或者盖章。

受送达人在送达回证上的签收日期为送达日期。

**第八十五条** 送达诉讼文书，应当直接送交受送达人。受送达人是公民的，本人不在交他的同住成年家属签收；受送达人是法人或者其他组织的，应当由法人的法定代表人、其他组织的主要负责人或者该法人、组织负责收件的人签收；受送达人有诉讼代理人的，可以送交其代理人签收；受送达人已向人民法院指定代收人的，送交代收人签收。

受送达人的同住成年家属，法人或者其他组织的负责收件的人，诉讼代理人或者代收人在送达回证上签收的日期为送达日期。

**第八十六条** 受送达人或者他的同住成年家属拒绝接收诉讼文书的，送达人可以邀请有关基层组织或者所在单



of relevant grassroots organizations; if the entity employing the person to be served to be present, provide an explanation on the refusal, record the cause of refusal and date on the service acknowledgement, to which the process server and witnesses shall affix their signatures or seals, and drop process at the domicile of the person to be served; and may also drop process at the domicile of the person to be served and record the service of process by photograph, video and other means, and process shall be deemed served.

**Article 87** With the consent of the person to be served, a people's court may serve process by fax, email and other means capable of confirming receipt by the person to be served, except a judgment, ruling and consent judgment.

Where a means in the preceding paragraph is adopted, the date when a fax, an email or any other means reaches the specific system of the person to be served shall be the date of service of process.

**Article 88** Where direct service of process is difficult, service of process may be entrusted to another people's court or be conducted by post. If process is served by post, the date of receipt stated on the service acknowledgement shall be the date of service.

**Article 89** Where the person to be served is in the military service, process shall be served on the person through the political office of the unit at or above the regiment level of the armed force where the person serves.

**Article 90** Where the person to be served is incarcerated, process shall be served on the person through the incarceration facility.

Where the person to be served is subject to any compulsory correctional measure, process shall be served on the person through the compulsory correctional facility.

**Article 91** The office or entity through which process is served must, immediately after receiving process, deliver the same to the person to be served, the person to be served shall sign for the service of process, and the date of receipt on the service acknowledgement shall be the date of service.

**Article 92** Where the whereabouts of the person to be served is unknown or service of process is not possible by other means set out in this Section, process may be served by public announcement. Process shall be deemed served sixty days after the date of public announcement.

The reasons for and the course of service of process by public announcement shall be recorded in the case file.

## Chapter 8 Mediation

**Article 93** When trying civil cases, a people's court shall, under the principle of free will of the parties, conduct mediation by distinguishing between right and wrong based on clear facts.

**Article 94** When a people's court conducts mediation, mediation may be conducted by one judge or by the collegial bench, and mediation shall be conducted on the spot as much as possible.

When a people's court conducts mediation, it may notify by simple means the parties and witnesses to appear in court.

**Article 95** When a people's court conducts mediation, it may invite relevant entities and individuals to provide assistance. The invited entities and individuals shall assist the people's

位时, 派到场, 说明情况, 在送达回证上记明拒收事由和日期, 由送达人、见证人签名或者盖章, 把诉讼文书留在受送达人的住所; 也可以把诉讼文书留在受送达人的住所, 并采用拍照、录像等方式记录送达过程, 即视为送达。

**第八十七条** 经受送达人同意, 人民法院可以采用传真、电子邮件等能够确认其收悉的方式送达诉讼文书, 但判决书、裁定书、调解书除外。

采用前款方式送达的, 以传真、电子邮件等到达受送达人特定系统的日期为送达日期。

**第八十八条** 直接送达诉讼文书有困难的, 可以委托其他人民法院代为送达, 或者邮寄送达。邮寄送达的, 以回执上注明的收件日期为送达日期。

**第八十九条** 受送达人是军人的, 通过其所在部队团以上单位的政治机关转交。

**第九十条** 受送达人被监禁的, 通过其所在监所转交。

受送达人被采取强制性教育措施的, 通过其所在强制性教育机构转交。

**第九十一条** 代为转交的机关、单位收到诉讼文书后, 必须立即交受送达人签收, 以在送达回证上的签收日期, 为送达日期。

**第九十二条** 受送达人下落不明, 或者用本节规定的其他方式无法送达的, 公告送达。自发出公告之日起, 经过六十日, 即视为送达。

公告送达, 应当在案卷中记明原因和经过。

## 第八章 调 解

**第九十三条** 人民法院审理民事案件, 根据当事人自愿的原则, 在事实清楚的基础上, 分清是非, 进行调解。

**第九十四条** 人民法院进行调解, 可以由审判员一人主持, 也可以由合议庭主持, 并尽可能就地进行。

人民法院进行调解, 可以用简便方式通知当事人、证人到庭。

**第九十五条** 人民法院进行调解, 可以邀请有关单位和个人协助。被邀请的单位和个人, 应当协助人民法院进

**Article 96** A mediation agreement must be based on the free will of both sides, and the parties shall not be forced to reach a mediation agreement. The content of a mediation agreement shall not violate any legal provisions.

**第九十六条** 调解达成协议，必须双方自愿，不得强迫。调解协议的内容不得违反法律规定。

**Article 97** When a mediation agreement is reached, the people's court shall prepare a consent judgment. A consent judgment shall state the claims, facts of the case and results of mediation.

**第九十七条** 调解达成协议，人民法院应当制作调解书。调解书应当写明诉讼请求、案件的事实和调解结果。

The judges and court clerk shall affix their signatures and the people's court shall affix its seal to a consent judgment, which shall be served on both sides.

调解书由审判人员、书记员署名，加盖人民法院印章，送达双方当事人。

Once a consent judgment is signed by both sides, it shall become legally binding.

调解书经双方当事人签收后，即具有法律效力。

**Article 98** A consent judgment of a people's court is not required for mediation agreements reached in the following cases:

**第九十八条** 下列案件调解达成协议，人民法院可以不制作调解书：

- (1) Divorce cases where both parties have reconciled through mediation.
- (二) 调解和好的离婚案件；
- (2) Adoption cases where an adoptive relationship has been maintained through mediation.
- (二) 调解维持收养关系的案件；
- (3) Cases where performance on the spot is possible.
- (三) 能够即时履行的案件；
- (4) Other cases where a consent judgment is not required.
- (四) 其他不需要制作调解书的案件。

A mediation agreement which does not require a consent judgment shall be recorded in the transcripts and become legally binding immediately after both sides and the judges and court clerk affix their signatures or seals to the transcripts.

对不需要制作调解书的协议，应当记入笔录，由双方当事人、审判人员、书记员签名或者盖章后，即具有法律效力。

**Article 99** Where no mediation agreement is reached or one party retracts before a mediation agreement is served on the party, the people's court shall enter a judgment in a timely manner.

**第九十九条** 调解未达成协议或者调解书送达前一方反悔的，人民法院应当及时判决。

Chapter 9 Preservation and Advance Enforcement

第九章 保全和先予执行

**Article 100** For a case where, for the conduct of a party or for other reasons, it may be difficult to execute a judgment or any other damage may be caused to a party, a people's court may, upon application of the opposing party, issue a ruling on preservation of the party's property, order certain conduct of the party or prohibit the party from certain conduct; and if no party applies, the people's court may, when necessary, issue a ruling to take a preservative measure.

**第一百条** 人民法院对于可能因当事人一方的行为或者其他原因，使判决难以执行或者造成当事人其他损害的案件，根据对方当事人的申请，可以裁定对其财产进行保全、责令其作出一定行为或者禁止其作出一定行为；当事人没有提出申请的，人民法院在必要时也可以裁定采取保全措施。

. . . . .

人民法院采取保全措施，可以责令申请人提供担保，申请人不提供担保的，裁定驳回申请。

. . . . .

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